BOMBAY ACT No. XLVIII OF 1951.[1]

[THE BOMBAY HOMOEOPATHIC ACT, 1951.]

[*23rd January 1952*]

An Act to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic System of Medicine in the State of Bombay.

WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic System of Medicine in the State of Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Homoeopathic Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) Chapters I, IV and VI shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that the remaining provisions of this Act shall come into force on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "Board" means the Board of Homoeopathic System of Medicine, Bombay, established under section 3;

(*2*) "Court" means the Court of Examiners constituted under section 17;

(*3*) "Homoeopathy" means the system of medicine founded by Dr. Hahnemann and the expression "homoeopathic" shall be construed accordingly;

(*4*) "Inspector" means an Inspector appointed by the Board under sub-section (*4*) of section 15;

(*5*) "member" means a member of the Board;

(*6*) "practitioner" means a person who practises the Homoeopathic system of medicine, as his principal occupation;

(*7*) "prescribed" means prescribed by rules;

(*8*) "President" means the President of the Board;

(*9*) "qualifying examination" means an examination in homoeopathic system of medicine specified in Schedule I and includes any previous examination as a preliminary to such examination;

(*10*) "register" means a register of practitioners prepared and maintained under this Act;

(*11*) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

(*12*) "Registrar" means the Registrar appointed under section 15;

(*13*) "regulations" means regulations made under section 38;

(*14*) "Rules" means rules made under section 37.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 340.

CHAPTER II.

ESTABLISHMENT OF BOARD.

Establishment, constitution and incorporation of Board.

3. (*1*) The State Government may, as soon as may be, by notification in the *Official Gazette* constitute a Board, to be called "the Board of Homoeopathic System of Medicine, Bombay". The Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

(*2*) The Board shall consist of eleven members including the President and shall be constituted in the following manner, namely:—

(*i*) A President who shall be a registered practitioner;

(*ii*) Five members nominated by the State Government out of whom two at least shall be registered practitioners; and

(*iii*) Five members elected by the registered practitioners from amongst themselves as follows:—

(*a*) three from among practitioners whose names are entered in Part A of the register; and

(*b*) two from among practitioners whose names are entered in Part B of the register:

Provided that—

(*a*) for a period of ten years after coming into force of this Chapter, the President shall be appointed by the State Government;

(*b*) at the first and subsequent constitution of the Board after the expiry of the said period of ten years, the President shall be elected by the members from among themselves and the number of members to be elected by registered practitioners in Part A of the register shall be four.

Appointment of members in default of election.

4. If at any election the electors fail to elect the requisite number of members, the State Government shall nominate such registered practitioners, as it deems fit, to fill the vacancies and the practitioners so nominated shall for the purpose of section 3 be deemed to have been duly elected under the said section.

Election of members.

5. The election of members under section 3 shall be held at such time and at such place and in such manner as may be prescribed.

Term of office.

6. (*1*) Save as otherwise provided by this Act, the term of office of the members whether elected or nominated, shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the election of the members under section 3.

(*2*) An out-going member shall continue in office until the election or nomination of his successor, as the case may be.

(*3*) An out-going member shall be eligible for re-election or re-nomination.

Extension of period of Board.

7. Notwithstanding anything contained in section 6, the State Government may extend the term of office of the members to any further period not exceeding one year.

8. In the event of the death, resignation, removal, disability or disqualification of a member or the President, or otherwise previous to the expiry of the period of his office, the vacancy shall be filled in the prescribed manner. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the person in whose place he is elected or nominated would have held office if the vacancy had not occurred. Vacancies.

9. (*1*) Any member may at any time resign his office by a letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board. Resignation.

(*2*) The President, if appointed by the State Government, may at any time resign his office by a letter addressed to the State Government. If the President is elected, he may resign his office by a letter addressed to the Board. The resignation shall take effect from the date on which it is accepted by the State Government, or the Board, as the case may be.

10. If any member— Disability.

(*a*) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the case of any other member in the opinion of the Board, be sufficient, or

(*b*) becomes subject to any of the disqualifications mentioned in section 11,

the State Government or the Board, as the case may be, shall declare his office vacant.

11. No person— Disqualification.

(*a*) who is an undischarged insolvent,

(*b*) who has been adjudged to be of unsound mind by a competent Court,

(*c*) whose name has been removed from the register, or

(*d*) who is a full time officer or servant of the Board,

shall be eligible for being elected or nominated or for continuing to be a member.

12. No disqualification or defect in the election, nomination or appointment of any person as a member or as the President or as a presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part. Validity of proceedings.

13. The Board shall meet at such time and place and every meeting shall be summoned in such manner as may be provided for by regulations: Time and place of meetings of Board.

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by circulating a notice to each member.

14. (*1*) The President, if present, shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one of themselves to preside. Procedure at meetings of Board.

(*2*) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.

(*3*) Six members including the President shall form a quorum.

(*4*) The President or the person presiding at a meeting shall have a second or casting vote in case of an equality of votes.

Registrar and other employees of Board.

15. (*1*) The Board shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed.

(*2*) The Board may from time to time grant him leave and may appoint a person with the previous sanction of the State Government to act in his place during his leave or absence; provided that if the period of such leave does not exceed two months, such leave may be granted by the President who shall also make temporary appointment of any other person to act during the said period and report the appointment to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

(*3*) An appeal shall lie to the State Government from every order of the Board punishing or removing any person from the office of the Registrar.

(*4*) The Board may appoint Inspectors and such other officers and servants as may be necessary for the purposes of this Act.

(*5*) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

(*6*) The Registrar shall be the Secretary and the executive officer of the Board.

Powers and functions of the Board.

16. The Board shall exercise such powers and perform such functions as may be prescribed by or under the provisions of this Act or as the State Government may direct for carrying out the provisions of this Act.

CHAPTER III.

Court of Examiners.

Court of Examiners.

17. (*1*) The State Government may, by notification in the *Official Gazette*, constitute a Court of Examiners which shall consist of seven persons including the Chairman, as follows :—

(*i*) the Surgeon General, who shall be the Chairman of the Court;
(*ii*) three persons elected by the Board from amongst its members; and
(*iii*) three persons nominated by the State Government:

Provided that every person elected under clause (*ii*) shall continue to hold office of a member of the Court only so long as he is a member of the Board:

Provided further that pending the election of such persons by the Board after its constitution for the first time, the State Government shall nominate three persons who shall be the registered practitioners or entitled to have their names entered in the register. The persons so nominated shall hold office until the Board has elected all the three persons under this sub-section.

(*2*) The members of the Court shall hold office for such period as may be prescribed.

(*3*) Any vacancy in the office of the members of the Court shall be filled in the prescribed manner and any person elected or nominated to fill any vacancy shall hold office only so long as the person in whose place he is elected or nominated would have held office, if the vacancy had not occurred.

(*4*) Any member of the Court other than the Chairman may at any time resign his office by a letter addressed to the Chairman. Such resignation shall take effect from the date on which it is accepted by the Court.

(*5*) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(*6*) The Court shall meet at such time and such place and the procedure regarding its working shall be such as may be prescribed.

CHAPTER IV.

REGISTRATION.

Preparation of first Register.

18. (*1*) The State Government shall, as soon as may be, cause to be prepared a register of homoeopathic practitioners for the State.

(*2*) The register shall include the following particulars, namely :—

(*a*) the full name, nationality and residential address of the registered practitioner ;

(*b*) the date of his first admission to the register ;

(*c*) the qualification for registration and the date on which he obtained his degree or diploma in homoeopathy, if any, and the authority which conferred or granted it ;

(*d*) his professional address ; and

(*e*) such further particulars as may be prescribed.

(*3*) The register shall be divided into three parts :—

(*i*) *Part A.*—This part shall include—

(*a*) persons who have been engaged in the practice of the Homoeopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this Chapter as the principal occupation,

(*b*) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynaecology and midwifery and Homoeopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal ;

Bom. VI of 1912. Bom. XXVI of 1938.

(*ii*) *Part B.*—This part shall include medical practitioners who are registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938, and who practise the Homoeopathic system of medicine ; and

(*iii*) *Part C.*—Other persons who have been in practice of the Homoeopathic system of medicine as the principal occupation at the aforesaid date :

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L. C. E. H. specified in Schedule I within a period of seven years from the aforesaid date :

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

Registration Tribunal.

19. (*1*) For the purpose of the preparation of the first register, the State Government may by notification in the *Official Gazette* constitute a Registration Tribunal consisting of three persons out of whom two shall be persons who are entitled to have their names entered in the register and shall appoint a Secretary of the Tribunal.

(*2*) The State Government by the same or a like notification shall appoint a date (which date shall be not later than the expiry of [1][one year] from the date of the coming into force of this Chapter) on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of Rs. 10.

[2][Provided that in respect of persons eligible for registration under sub-clause (*b*) of clause (*i*) of sub-section (*3*) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955.] Bom. II of 1955.

(*3*) The Registration Tribunal shall examine every application received on or before the appointed date and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under section 18 shall direct the entry of the name of the applicant in the register in the part in which he is entitled to have his name entered.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied, in the register as so published may within thirty days from the date of the publication of the register, appeal to an authority appointed by the State Government in this behalf by a notification in the *Official Gazette* on payment of a fee of Rs. 5.

(*5*) The Secretary shall amend the register in accordance with the decision of the authority appointed under sub-section (*4*) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

Custody of register.

20. (*1*) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the *Official Gazette* the date on which the register is given in the custody of the Board.

(*2*) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

Qualifications for subsequent registration.

21. After the constitution of the Board referred to in sub-section (*1*) of section 20, a person shall on payment of Rs. 10 be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in Schedule I.

Undertaking to be given for entering name in register.

22. The name of any practitioner shall not be entered either in the first register or a register maintained under section 20, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, the Bombay Medical Act, 1912, the Indian Medical Council Act, 1933, or the Bombay Medical Practitioners' Act, 1938. It shall be lawful for such persons to use after his name the words " Registered Practitioner of Homoeopathy " in full to indicate that his name has been entered in the register. VII of 1916. Bom. VI of 1912. XXVII of 1933. Bom. XXVI of 1938.

[1] These words were substituted for the words "six months" by Bom. 9 of 1952, s. 2.
[2] This proviso was added by Bom. 2 of 1955, s. 3, Second Schedule.

(*5*) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(*6*) The Court shall meet at such time and such place and the procedure regarding its working shall be such as may be prescribed.

CHAPTER IV.

REGISTRATION.

Preparation of first register.

18. (*1*) The State Government shall, as soon as may be, cause to be prepared a register of homoeopathic practitioners for the State.

(*2*) The register shall include the following particulars, namely :—

(*a*) the full name, nationality and residential address of the registered practitioner;

(*b*) the date of his first admission to the register;

(*c*) the qualification for registration and the date on which he obtained his degree or diploma in homoeopathy, if any, and the authority which conferred or granted it;

(*d*) his professional address; and

(*e*) such further particulars as may be prescribed.

(*3*) The register shall be divided into three parts :—

(*i*) *Part A.*—This part shall include—

(*a*) persons who have been engaged in the practice of the Homoeopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this Chapter as the principal occupation,

(*b*) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynaecology and midwifery and Homoeopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal;

(*ii*) *Part B.*—This part shall include medical practitioners who are registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938, and who practise the Homoeopathic system of medicine; and

Bom. VI of 1912.

Bom. XXVI of 1938.

(*iii*) *Part C.*—Other persons who have been in practice of the Homoeopathic system of medicine as the principal occupation at the aforesaid date :

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L.C.E.H. specified in Schedule I within a period of seven years from the aforesaid date :

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

Registration Tribunal.

19. (*1*) For the purpose of the preparation of the first register, the State Government may by notification in the *Official Gazette* constitute a Registration Tribunal consisting of three persons out of whom two shall be persons who are entitled to have their names entered in the register and shall appoint a Secretary of the Tribunal.

(*2*) The State Government by the same or a like notification shall appoint a date (which date shall be not later than the expiry of six months from the date of the coming into force of this Chapter) on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of Rs. 10.

(*3*) The Registration Tribunal shall examine every application received on or before the appointed date and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under section 18 shall direct the entry of the name of the applicant in the register in the part in which he is entitled to have his name entered.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied, in the register as so published may within thirty days from the date of the publication of the register, appeal to an authority appointed by the State Government in this behalf by a notification in the *Official Gazette* on payment of a fee of Rs 5.

(*5*) The Secretary shall amend the register in accordance with the decision of the authority appointed under sub-section (*4*) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

Custody of register.

20. (*1*) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the *Official Gazette* the date on which the register is given in the custody of the Board.

(*2*) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

Qualifications for subsequent registration.

21. After the constitution of the Board referred to in sub-section (*1*) of section 20, a person shall on payment of Rs. 10 be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in Schedule I.

Undertaking to be given for entering name in register.

22. The name of any practitioner shall not be entered either in the first register or a register maintained under section 20, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, the Bombay Medical Act, 1912, the Indian Medical Council Act, 1933, or the Bombay Medical Practitioners' Act, 1938. It shall be lawful for such persons to use after his name the words " Registered Practitioner of Homoeopathy " in full to indicate that his name has been entered in the register.

VII of 1916. Bom. VI of 1912. XXVII of 1933. Bom. XXVI of 1938.

Maintenance of register.

23. (*1*) It shall be the duty of the Registrar to make entries in the register, from time to time to revise the same and to issue the certificates of registration in accordance with the provisions of this Act, the rules and the orders of the Board.

(*2*) The names of registered practitioners who die or whose names are directed to be removed from the register under sub-section (*4*) or section 24 shall be removed therefrom.

(*3*) The Board may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of such fee as may be prescribed.

(*4*) For the purpose of this section, the Registrar may at any time write by registered post to any registered practitioner at the address which is entered in the register to inquire whether he has ceased to practise or has changed his residence and, if no answer is received to the said letter within six months, the Registrar may remove the name of the said practitioner from the register. Such inquiry shall be made at least once one year before the term of office of the members of the Board is about to expire:

Provided that the Board, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner may direct his name to be entered in the register.

Removal of names from register.

24. (*1*) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practise his profession or who after due inquiry has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled. The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the register.

V of 1898.

(*2*) If the name of the practitioner is entered in a register maintained under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938, it shall be the duty of the Board to give intimation of such removal to the authority entitled to maintain the said register.

Bom. VI of 1912.

Bom. XXVI of 1938.

(*3*) If the name of a practitioner referred to in sub-section (*2*) is removed from any of the registers maintained under the Acts referred to in the said sub-section the Board shall also remove his name from the register. On such removal the certificate of registration issued to the practitioner shall be deemed to have been cancelled.

Renewal fee.

25. (*1*) Notwithstanding anything contained in section 19 or 21, the Board may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each practitioner for the continuation of his name in the register.

(*2*) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled:

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed and a new certificate of registration may be reissued.

No refund of fees.

26. Fees paid under sections 19, 21, 23 and 25 shall not be refunded.

Qualified medical practitioners.

27. Notwithstanding anything in any law for the time being in force—

(*i*) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts of Legislature in the State of Bombay and in all Central Acts in their application to the State of Bombay in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution include a practitioner whose name is entered in Part A or Part B of the register ;

(*ii*) a certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a practitioner whose name is entered in Part A or Part B of the register ;

(*iii*) a practitioner whose name is entered in Part A or Part B of the register shall be eligible to hold any appointment as a physician or other medical officer in any Homoeopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the Homoeopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine.

Notice of death.

28. Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

CHAPTER V.

Course of Studies, Qualifying Examinations and Recognition of Institutions.

Course of studies and qualifying examinations.

29. (*1*) The course of studies and the examinations specified in Schedule I shall be the course of studies and the qualifying examinations held for the purpose of granting a diploma or a degree conferring the right of registration under this Act and such other course of studies and examinations as may, on the recommendation of the Board, be included in Schedule I by the State Government by notification in the *Official Gazette*.

(*2*) The Board may recommend to the State Government for recognition of institutions to give instruction in the Homoeopathic system of medicine or to hold examinations therein.

(*3*) It shall be the duty of the Board to secure maintenance of an adequate standard—

(*i*) of instruction in each of the subjects of the course of studies specified in Schedule I and for the purposes of securing such standard the Board shall have authority to call on the governing body or the authorities of any institution giving such instruction—

(*a*) to furnish such particulars as the Board may require about the details of instruction ;

(*b*) to permit Inspectors to inspect the institution ;

(*ii*) in each of the qualifying examinations specified in Schedule I and for the purpose of securing such standard, the Board shall have an authority to call on the governing body or authorities of any institution authorised to hold any of such examinations—

(*a*) to furnish such particulars as the Board may require about the conduct of such examinations ;

(*b*) to permit Inspectors to be present at the examinations and to report to the Board about the nature of the questions asked, the standard of giving marks and such other details as the Board may require.

(*4*) It shall also be the duty of the Board to inspect all institutions recognised under section 30 once at least in every five years.

Recognition of institutions.

30. (*1*) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters :—

(*a*) the constitution and personnel of the governing or managing body ;

(*b*) subjects and courses on which it gives or proposes to give instruction ;

(*c*) accommodation, equipment and the number of students for whom provision has been made or is proposed to be made ;

(*d*) the strength of the staff, their salaries, qualifications and the research work done by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for the capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*2*) Any institution applying for recognition to hold qualifying examinations shall send an application to the Registrar and shall give full information in respect of particulars specified in clauses (*b*) to (*e*) of sub-section (*1*) and such other particulars as the Board may require.

(*3*) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(*4*) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Board shall forward the application with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the State Government shall be final.

Removal of institution authorised to hold qualifying examination.

31. If it shall appear to the State Government on the report of the Board or otherwise that the instruction given in any recognised institution or the qualifying examination conducted by any of the institutions recognised to hold such examinations are not such as to secure the maintenance of the adequate standard of proficiency for the practice of surgery and midwifery and Homoeopathic medicine, it shall be lawful for the State Government from time to time to direct that the recognition of any institution for the purpose of giving instruction or holding an examination under section 29 shall be withdrawn and the said institution shall not be authorised to give instruction or to hold the examination, as the case may be :

Provided that before any direction for the withdrawal of the recognition of any institution is made under this section, the said institution shall be required to take steps within such time as may be specified in this behalf by the State Government to remedy the defect.

Alteration of Schedule I.

32. If it shall appear to the State Government on the report of the Board or otherwise that it is necessary or expedient to modify Schedule I by making any addition or alteration in the course of studies or the examinations specified therein, the State Government may, after calling for the report of the Board, if it has not already made the report and after making such inquiries as it thinks fit, make addition or alteration in Schedule I by notification in the *Official Gazette* and Schedule I shall upon the publication of such addition or alteration be deemed to have been so modified from the date specified in the notification.

CHAPTER VI.

MISCELLANEOUS.

Exemption from serving on inquests, etc.

33. Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on an inquest, or as a juror or assessor under the Code of Criminal Procedure, 1898. V of 1898.

Fees and allowances to members.

34. There shall be paid to the members of the Board and the Court such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed.

Income and expenses of the Board.

35. (*1*) The income of the Board shall consist of—

(*a*) fees received from practitioners and examinees,

(*b*) the fees, if any, collected by the Court,

(*c*) grants received from the Government,

(*d*) donations and other sums received by the Board.

(*2*) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, and fees and allowances paid to members of the Board and the Court, expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act. The State Government may also direct the Board to pay such other expenses to the Court as it thinks fit.

Publication of list of practitioners.

36. The Registrar shall at least three months before the date fixed for the election of the Board, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

Rules.

37. (*1*) The State Government may, after previous publication, make rules to carry out all or any of the other purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power the State Government may make rules for any of the following matters :—

(*a*) the time and place at which and the manner in which election shall be held under section 5 ;

(*b*) the manner in which vacancies shall be filled under section 8 ;

(*c*) the salary, allowances and other conditions of service of the Registrar under section 15 ;

(*d*) the powers to be exercised and functions to be performed by the Board under section 16 ;

(*e*) the period for which the members of the Court shall hold office under sub-section (*2*), the manner of filling vacancy under sub-section (*3*), the duties and functions to be performed by the Court under sub-section (*5*) and the time and place of the meeting and the procedure to be followed regarding its working under sub-section (*6*) of section 17 ;

(*f*) the particulars to be entered in the register under clause (*e*) of sub-section (*2*) of section 18 ;

(*g*) the manner of making inquiry under sub-section (*3*), and the form of certificate under sub-section (*5*) of section 19 ;

(*h*) the fees chargeable for the alteration of entries as respects additional qualifications under sub-section (*3*) of section 23 ;

(*i*) the manner of payment of renewal fee and conditions subject to which such fee shall be paid under the proviso to sub-section (*2*) of section 25 ;

(*j*) the fees and other allowances to members of the Board and Court under section 34 ;

(*k*) any other matter which is to be or may be prescribed under this Act ;

(*l*) the furtherance of any of the objects of this Act.

Regulations.

38. (*1*) The Board may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules for any of the following matters, namely :—

(*a*) the time and place at which and the manner in which the Board shall hold its meetings under section 13 ;

(*b*) the salary, allowances and other conditions of service of officers and servants of the Board and the Court other than the Registrar under section 15 ;

(*c*) the language in which the examinations shall be conducted and instruction shall be given ;

(*d*) the detailed curriculum, the number of lectures, the period of terms devoted to practical and clinical studies in each subject and the recommendation of text books, if any ;

(*e*) the conditions of appointment of examiners and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of such examinations ;

(*f*) all other matters which are not prescribed by rules, but which are necessary for the purpose of carrying out the objects of this Act :

Provided that the Board shall, before proposing any regulation under clause (*b*), (*c*), (*d*), (*e*) or (*f*), consult the Court and in case of difference of opinion between the Board and the Court in respect of any such regulation, the Board shall, while submitting such regulation to the State Government for sanction, report the grounds for such difference of opinion.

(*2*) The State Government on receiving the draft regulations may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the Board for further consideration.

(*3*) All regulations, when sanctioned, shall be published in the *Official Gazette*.

(*4*) The State Government may by notification cancel any regulation.

Control of State Government.

39. (*1*) If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties conferred upon it, by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may dissolve the Board and cause all or any of the powers or duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to constitute a new Board.

(*2*) Notwithstanding anything contained in this Act, rules or regulations, if at any time it shall appear to the State Government that the Board or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as it thinks fit.

CHAPTER VII.

AMENDMENTS AND SCHEDULES.

Amendment of Bom. XXVI of 1938.

40. The provisions of the Bombay Medical Practitioners' Act, 1938, specified in column 1 of Schedule II shall be amended in the manner and to the extent specified in column 2 of the said Schedule from the date on which the register shall be given in the custody of the Board under section 20.

SCHEDULE I.

(Section 29.)

I. COURSE OF STUDIES.

G. C. E. H.—

Pre-admission qualification.—Intermediate Science B group of the Bombay University or an equivalent examination.

1st Examination—

Period of study.—2 years after admission.

Subjects.—Anatomy including embryology. Physiology including biophysics and biochemistry.

Pharmacology of important ayurvedic unani and allopathic drugs.

Organon and Homoeopathic Philosophy, Homoeopathic materia medica, pharmacy and dispensing.

Examination.—Two papers of three hours' duration in Anatomy and Physiology each with practical and *viva voce* examinations.

One paper of three hours' duration in Pharmacology.

One paper of three hours' duration in Organon and Homoeopathic Philosophy.

One paper of three hours' duration in Homoeopathic materia medica, pharmacy and dispensing and a practical and *viva voce* examination.

Final Examination—

Period of study.—Three years after 1st examination. Both parts may be taken together or separately.

Part I.

Subjects.—(1) Medicine including advanced Homoeopathic Philosophy, Homoeopathic materia medica, Therapeutics and Repertory and chronic miasma. (2) Pathology and Bacteriology. (3) Forensic Medicine. (4) Hygiene.

Examination.—Two papers of 3 hours' duration and a clinical, practical and *viva voce* examination in Medicine.

One paper of 3 hours' duration in each of the other three subjects and a practical and *viva voce* examination.

Part II.

Subjects.—Surgery, Midwifery and Gynæcology, Ophthalmology.

Examination.—One paper of 3 hours' duration and a clinical, practical and *viva voce* examination in each subject.

L. C. E. H.—

Pre-admission qualification.—Matriculation or S. S. C. Examination with Science.

1st Examination—

Period of study.—6 months.

Subjects.—Elementary { Physics. Chemistry. Biology.

Examination.—One paper of 3 hours and a practical examination in each subject.

2nd Examination—

Period of study.—18 months after 1st examination.

Subjects.—Anatomy, Physiology, Pharmacology of important allopathic, unani and ayurvedic drugs. Homoeopathic materia medica, pharmacy and dispensing, Homoeopathic Philosophy. Organon.

Examination.—A paper of 3 hours' duration and a practical and *viva voce* examination each in (1) Anatomy, (2) Physiology, (3) Homoeopathic Philosophy and Organon, (4) Homoeopathic materia medica and pharmacy and dispensing.

A paper of 3 hours' duration in Comparative Pharmacology of allopathic, unani and ayurvedic drugs.

3rd and Final Examination—

Part I.—To be taken at any time one year after 2nd examination; the two parts may be taken together also, two years after second examination.

Subjects.—Pathology. Forensic Medicine. Hygiene.

Examination.—A paper of 2 hours' duration in each subject and a *viva voce* examination.

Part II.—Two years after 2nd examination.

Subjects.—Medicine (including Homoeopathic materia medica, Therapeutics and Repertory). Surgery. Midwifery and Gynæcology.

Examination.—A paper of 3 hours' duration with clinical, practical and *viva voce* examination in each subject.

F. C. E. H. (For those registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938).

Period of study.—One year.

Subjects.—Medicine including the principles of Homoeopathy, Therapeutics, Repertory. Pharmacy and Dispensing. Organon of Medicine. Homoeopathic Philosophy. Homoeopathic materia medica. Chronic miasma, Development of Homoeopathy and Research in Homoeopathy.

Examination.—Four papers of three hours' duration and clinical, practical and *viva voce* examination :—

Paper I—Organon, Homoeopathic Philosophy, Chronic Miasms.
Paper II—Homoeopathic materia medica, Pharmacy and Dispensing.
Paper III—Therapeutics, Repertorisation and case taking.
Paper IV—The scientific method and the development of and Research in Homoeopathy.

II. Qualifying Examinations.

Licentiate of the Court of Examiners in Homoeopathy ..	(L. C. E. H.)
Graduate of the Court of Examiners in Homoeopathy ..	(G. C. E. H.)
Fellow of the Court of Examiners in Homoeopathy ..	(F. C. E. H.)

SCHEDULE II.

(Section 40.)

Amendments of the Bombay Medical Practitioners' Act, 1938.

Provisions of Bom. XXVI of 1938.	Amendments.
1	2
Section 32 ..	After the words and figures "in the list mentioned in section 18", the following shall be inserted, namely, "or a person whose name is entered in the register maintained or kept under the Bombay Homoeopathic Act, 1951".
Section 33 ..	After the words and figures "the Bombay Medical Act, 1912," the following shall be inserted, namely :— "or a practitioner whose name is entered in Part A or Part B of the register under the Bombay Homoeopathic Act, 1951".
Section 35 ..	In sub-section (*1*), after the words and figures "the Bombay Medical Act, 1912" at both the places where they occur, the following shall be inserted, namely :— "or the Bombay Homoeopathic Act, 1951".

Provisions of Bom. XXVI of 1938.	Amendments.
1	2
Section 36 ..	(1) In clause (*e*), for the words "homoeopathy or any other" the word "any" shall be substituted and after the words "Unani Tibbi system of medicine" the words "or the Homoeopathic system of medicine" shall be inserted. (2) In sub-clause (*ii*) of the said clause for the words "or any Indian system of medicine under this Act" the following words and figures shall be substituted, namely :— "or the Ayurvedic system of medicine or the Unani Tibbi system of medicine or the Homoeopathic system of medicine".
Section 37 ..	In clause (*i*) after the words and figures "the Bombay Medical Act, 1912," the words "or under the Bombay Homoeopathic Act, 1951" shall be inesrted.